

## EXHIBIT 3

TO MCI REPLY COMMENTS  
ILLINOIS COMMERCE COMMISSION DOCKET 03-0769  
CONTENTS: 4 PAGE EXCERPT OF NY PSC 271 COMMENTS

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Petition of New York Telephone Company	)	
for Approval of its Statement of Generally	)	
Available Terms and Conditions Pursuant	)	
to Section 252 of the Telecommunications	)	CC Docket No. 99-295
Act of 1996 and Draft Filing of Petition	)	
for InterLATA Entry Pursuant to	)	
Section 271 of the Telecommunications	)	
Act of 1996	)	

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EVALUATION OF THE  
NEW YORK PUBLIC SERVICE COMMISSION

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Maureen O. Helmer  
Chairman

Lawrence G. Malone  
General Counsel

Of Counsel  
Penny Rubin  
Peter McGowan  
Andrew M. Klein

Public Service Commission  
State of New York  
Three Empire State Plaza  
Albany, New York 12223-1350  
(518) 474-1585

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percent of commonly used test transactions that achieve expected results, i.e., pass.<sup>1</sup> The purpose of the test deck is to ensure that the software releases work as documented.<sup>2</sup>

Finally, CLECs had complained about the limited time available for software testing (five days). Bell Atlantic-NY's new testing environment addresses this concern by providing for 30 days of CLEC testing.

#### 5. Other Concerns

In response to concerns raised by CLECs, Bell Atlantic-NY, in consultation with CLECs and the NYDPS Staff, established (1) an escalation process for resolving change control disputes and (2) a process for getting CLEC input in the monthly Industry Change Control agendas. The Change Control Escalation Process involves an appeal to Bell Atlantic-NY upper level management and allows CLECs to bring the issue to the NYDPS. The Escalation Procedure<sup>3</sup> will be incorporated in the Bell Atlantic-NY Change Control Process document during its next revision, and Bell Atlantic-NY has also listed these escalation procedures on its Telecom Industry Services (TIS) page.<sup>4</sup> Getting CLEC input into agendas,

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<sup>1</sup> Declaration of Miller/Jordan, BA-NY Application, Appdx. A, Vol. 2, Tab 2, p. 48, ¶ 109, notes that the August Change Control Software Metric was .6% failed transactions. This figure is within the parameters of the metric. However, it should be noted that this figure is not included in BA-NY's reported metrics Joint Declaration of Dowell/Canny, BA-NY Application, Appdx. A, Vol. 3, Tab D, p. 96. (BA-NY lists the metric as under development (UD)).

<sup>2</sup> The test deck is run by BA-NY at the start of the QA environment and at the completion of QA environment as well as being run in production. Running the test deck in production ensures that the two environments, QA and production, match.

<sup>3</sup> See ([www.bellatlantic.com/tis/sup-doc.htm](http://www.bellatlantic.com/tis/sup-doc.htm)).

<sup>4</sup> BA-NY's TIS web page ([www.bellatlantic.com/tis/resources.htm](http://www.bellatlantic.com/tis/resources.htm)) provides resources and contacts for CLECs at Bell Atlantic North and Bell Atlantic South.

and another concern that had been raised--parity between changes initiated by CLECs and those initiated by Bell Atlantic-NY--can be addressed through the Escalation Process.

In addition to developing new software release and certification testing procedures and the "September Solution," Bell Atlantic-NY filed a Change Control Assurance Plan (CCAP) in response to concerns raised by KPMG and CLECs regarding its ability to manage changes to the OSS interface. The CCAP calls for Bell Atlantic-NY to put \$25 million at risk if it provides unsatisfactory service for four measures: notification of changes, timeliness of notice, software release quality, and hour delays.<sup>1</sup> In addition, under the PAP the PSC may reallocate funds to increase the amount of money at risk for failure to meet performance standards. The CCAP's software validation measure (PO-6-01) requires 90% of the test deck transactions to be completed successfully in order to avoid \$1 million of market adjustments. This enforcement mechanism provides strong incentives for Bell Atlantic-NY to produce quality documentation, for the test deck transactions flow from and must conform to the documentation.

Based on KPMG's evaluation of the testing procedures, together with the implementation of the permanent testing environment<sup>2</sup> and the CCAP, NYDPS finds Bell Atlantic-NY's interface management procedures to be adequate to ensure proper functioning of the OSS.

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<sup>1</sup> Definitions for timeliness in the CCAP include releases with standard intervals only and exclude changes such as emergency changes (Type 1) and new functionality releases (Type 4).

<sup>2</sup> The new test environment was made available for CLECs on September 20, 1999, but to date no CLECs have tested any transaction.

## 6. RMI Conclusion

Based upon the foregoing, we conclude that Bell Atlantic-NY has in place appropriate processes for establishing and maintaining Bell Atlantic-NY/CLEC relationships.

## III. OSS Findings

Bell Atlantic-NY currently provides nondiscriminatory access to the OSS pursuant to interconnection agreements and tariffs.<sup>1</sup> Based on the foregoing evaluation, we find Bell Atlantic-NY is in compliance with checklist item (ii), the obligation to provide nondiscriminatory access to Bell Atlantic-NY's OSS.

## NETWORK ELEMENT COMBINATIONS

### I. The Legal Standard

#### A. The 1996 Act

When Pre-Filing Statement commitments were undertaken by BA-NY, the prevailing law was that Bell Atlantic-NY was not obligated to supply existing combinations of elements. In the Pre-Filing Statement, however, Bell Atlantic-NY voluntarily undertook to provide network element combinations, including the platform, under conditions that the NYDPS

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<sup>1</sup> Declaration of LaCouture/Troy, BA-NY Application, Appdx. A, Tab 1, pp. 2-3.